

	<p>IDEM Permit Guide: Generating Hazardous Waste and Shipping it Offsite</p> <p>www.IN.gov/idem/guides/permit/waste/generating.html</p>
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Determining If You Are a Hazardous Waste Generator

It is the responsibility of the generator to determine if wastes are hazardous. According to federal and Indiana statutes the term "hazardous waste" means a solid waste, or combination of solid wastes that, because of its quantity, concentration, or physical, chemical or infectious characteristics may: 1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The federal Resource Conservation and Recovery Act (RCRA) requires "cradle-to-grave" tracking of hazardous - Subtitle C - solid wastes; from generation, to transportation, to treatment, storage, and disposal. Any person who generates, transports, treats, stores, recovers, or disposes of hazardous waste must notify IDEM to at 317/232-7956 to obtain a U.S. EPA federal identification number.

There are two main types of hazardous waste; characteristic wastes and listed wastes. Characteristic hazardous wastes are defined in the U.S. Code of Federal Regulations (40 CFR 261, Subpart C) as exhibiting one of four hazardous characteristics; ignitable, corrosive, reactive (or explosive), or toxic. Listed hazardous wastes are comprised of several hundred hazardous or acutely toxic wastes cataloged in 4 separate lists; the F, K, P, and U lists. The lists are updated as necessary and are published in the U.S. Code of Federal Regulations, under 40 CFR 261, Subpart D.

It is important to remember that "empty" containers with hazardous waste residue may themselves be considered hazardous waste. The rules on emptying, cleaning, and handling containers can be found in the U.S. Code of Federal Regulations (CFR) 261.7. In addition, wipe rags and other materials contaminated with hazardous wastes also may qualify as hazardous waste, and must be either recycled or disposed of at a permitted hazardous waste treatment and disposal facility. Or certain wipe rags may be laundered following the guidance provided by IDEM's non-rule policy document (NPD) on the [Management of Contaminated Wipes](#).

For additional help in determining what is a hazardous waste or whether you are a hazardous waste generator review [How to Identify Waste and Determine If It's Hazardous Waste](#), or contact Dave Berrey at 317/308-3341. With other questions on hazardous waste compliance, or to obtain a copy of the EPA document, *Understanding the Hazardous Waste Rules*, [A Handbook for Small Businesses –1996 Update](#)

(EPA530-K-95-001), call Mary Lewis at 317/308-3103. If you subsequently determine that you are a hazardous waste generator, you can contact Marilyn Hansen at 317/232-7956 for the [Notification of Regulated Waste Activity \(Form 8700-12\)](#) which must be filled out to obtain a U.S. EPA federal identification number.

Registering As a Hazardous Waste Generator

Those who produce hazardous waste or acutely toxic hazardous wastes are considered generators. All generators must determine which of the 3 classes of generators (listed below) describes them, and then meet the requirements of that particular class.

Acutely Toxic Hazardous Waste

Anyone who generates 1 or more kilograms of acutely toxic hazardous waste in a month, or who accumulates 1 or more kilograms of acutely toxic hazardous waste on-site, regardless of the rate of generation, automatically is subject to all the requirements applicable to a Large Quantity Generator (LQG) of hazardous waste, including filing a Biennial Report (or an Annual Manifest Summary Report on years when a Biennial Report is not required) and paying the annual \$1,565 generator fee. Acutely toxic hazardous wastes are those RCRA (Resource Conservation and Recovery Act) wastes listed on the "P List" under [40 CFR \(Code of Federal Regulations\) Part 261.33](#) (scroll down to page 34 of 103). Similarly, six wastes on the "F List" (F020, F021, F022, F023, F026 and F027) of [40 CFR Part 261.31](#) (scroll to the bottom of page 27 of 103) also are acutely toxic hazardous wastes. To view the entire list of hazardous wastes, including acutely toxic hazardous wastes, as described under RCRA (the Resource Conservation and Recovery Act), visit [40 CFR 261.30](#).

Conditionally Exempt Small Quantity Generators (CESQGs) are those who generate less than 100 kilograms (220 pounds) of hazardous waste or less than one kilogram (2.2 pounds) of acutely toxic waste in any calendar month, and who accumulate on site at any time a total of less than 1000 kilograms (2200 pounds, or 1.1 tons). CESQGs may, but are not required, to notify IDEM for a hazardous waste ID number. Nor are they required to pay an annual fee.

Hazardous wastes generated by households may be disposed of along with their regular curbside trash pickup. Similarly, industries or businesses which do not exceed the generation rates or onsite storage limits for CESQGs also are not required to have the hazardous waste they generate transported to a permitted hazardous waste treatment, storage and disposal facility. However, keep in mind that waste from a CESQG remains subject to 329 IAC 10-1-4, which states that "no person shall cause or allow the storage, containment, processing or disposal of solid waste in a manner which creates a threat to human health or the environment....." Thus CESQGs should check with their solid waste hauler and or landfill operator to insure that they are in compliance with any requirements the hauler or landfill may have established.

Any CESQG who accumulates on-site at any one time more than 1,000 kilograms of hazardous waste is subject to all the requirements applicable to a SQG, including obtaining a federal RCRA ID # from IDEM, using the manifest system to transport

hazardous waste, submitting an Annual Manifest Summary Report, and sending all hazardous waste to a permitted TSD (treatment, storage, or disposal) facility. In addition, any CESQG who accumulates on-site at any one time more than 1 kilogram of acutely hazardous waste is subject to the requirements of a LQG, including filing a Biennial Report or an Annual Manifest Summary Report, and paying a \$1,565 annual fee.

Small Quantity Generators (SQGs) are those who generate more than 100 kilograms, but less than 1000 kilograms, of hazardous waste during any calendar month of the previous calendar year, or who accumulate onsite at any time a total of less than 6,000 kilograms (13,227 pounds, or 6.61 tons) of hazardous waste. SQGs must register with IDEM as generators of hazardous waste (obtain a federal RCRA ID # by contacting Marilyn Hansen at 317/232-7956), and must file an [Annual Manifest Summary Report](#). SQGs are not required to pay an annual fee. However, any SQG who accumulates more than 6,000 kilograms of hazardous waste or 1 kilogram of acutely toxic waste on-site at any one time must file a [Biennial Report](#) or an Annual Manifest Summary Report and pay the \$1,565 annual generator fee for that year, regardless of the rate at which the wastes were generated. If you have additional questions, or wish to obtain an Annual Manifest Summary Report Form and instructions, contact [Michelle Weddle](#) at 317/233-4624.

Large Quantity Generators (LQGs) are those who generate more than 1,000 kilograms of hazardous waste or one (1) kilogram of acutely hazardous waste (P List waste) during any month of a calendar year. Even if those limits are only exceeded for one month of the year, the generator must register as a LQG and pay the annual \$1,565 generator fee. LQGs also must file with IDEM either a [Biennial Report](#), as required under [329 IAC 3.1-7-14](#), or an Annual Manifest Summary Report, as required under [IC 13-22-4-3.1](#). To obtain a report form and instructions or have any questions about the Biennial Report, contact Jenny Dooley at 317/232-8925.

Who Needs A Hazardous Waste Permit

Of course, facilities that receive “off-site” hazardous waste for storage, treatment, or disposal are required to have a permit. However, LQGs who store hazardous waste onsite for more than ninety (90) days, or SQGs who store hazardous waste onsite for more than one hundred eighty (180) days also are required to obtain a permit. (Except that if the TSD facility to which they ship their hazardous waste is more than 200 miles away, the SQG may store hazardous waste for up to 270 days.) Similarly, any generator of hazardous waste who treats the waste in something other than a tank, container, containment building, or drip pads, or disposes of the waste “on-site” must obtain a permit.

It takes up to a year for IDEM to review an application for a hazardous waste permit for

storage, treatment or disposal, and application fees for new permits range from \$23,800 to \$40,600. Most generators may instead want to consider shipping their waste to one of the 16 commercial hazardous waste facilities currently permitted in Indiana. However, those wishing to obtain a hazardous waste permit can obtain an application by contacting Glynda Oakes at 317/233-1052.

Perhaps the best management option for hazardous waste is to eliminate or minimize the generation of hazardous waste to begin with. Where hazardous waste generation can not be avoided, recycling is preferred to treatment and disposal. IDEM publishes a monthly materials exchange list. IDEM's Office of Pollution Prevention and Technical Assistance also works with business and industry to promote pollution prevention, waste minimization, and recycling. OPPTA may be contacted at 317/232-8172.

Shipping Hazardous Waste

All shipments of hazardous waste must be [accompanied by a manifest](#). If a hazardous waste is being shipped to a facility in another state, and that state requires a hazardous waste tracking manifest, the generator must obtain and use the manifest of the receiving state. On the other hand, if hazardous waste is being shipped within Indiana, or to another state that does not have its own state manifest, the generator must use the EPA Uniform Hazardous Waste Manifest. The generator is responsible for securing these manifests, and is also responsible to provide placards for the manifested shipment. When waste is shipped, the generator, each transporter (if more than one is involved) and the receiving facility should each retain a copy of the manifest. A downloadable pdf formatted [State of Indiana Hazardous Waste Manifest Guidance Manual](#) (The guide currently is being revised to reflect changes associated with P.L. 143-2000, which eliminated use of the Indiana Uniform Hazardous Waste Manifest form.) is available on the Internet, or by contacting Michelle Weddle at 317/233-4624.

Hazardous Waste and Hazardous Materials Transportation Requirements

To obtain information on regulations governing the packaging, labeling, placarding, and transportation of hazardous materials or hazardous waste, contact the Indiana Department of Transportation (DoT) at (317) 232-3166, or the U.S. DoT at 202/512-1800. U.S. DoT also has a Regulation Information Line at 202/366-4486.

Other Important Hazardous Waste Rules

Anyone seeking to exclude a waste from a particular generating facility from being regulated as a listed waste may petition for a regulatory amendment under 40 CFR 260.22. However, such exemptions are conditional, usually requiring some specific monitoring, handling, or other remedy or conditional behavior on the part of the generator.

There are two other important rules to remember regarding hazardous wastes; the "derived from" and "mixture rules."

The Derived from Rule Any waste which is derived from a listed hazardous waste, is itself considered hazardous, even if the original listed waste is undetectable after treatment. However, there is a “de-listing” procedure whereby a generators can petition, on a case-by-case basis, to have “derived from” wastes which have been effectively treated to be exempted from RCRA disposal requirements.

The Mixture Rule Similarly, listed waste that is mixed with non-hazardous wastes to dilute, or reduce, the overall level of concentration, is still considered a listed waste, regardless of its concentration below hazardous levels. So diluting hazardous waste can compound disposal problems.

http://www.state.in.us/idem/olq/special_topics/land_application/index.html.

For Additional Information

As mentioned above, to obtain additional information on determining what is a hazardous waste or whether you are a hazardous waste generator contact Dave Berrey at 317/308-3341. For information on registering as a generator of hazardous waste (obtaining a federal RCRA ID #) contact Marilyn Hansen at 317/232-7956 or for information on shipping hazardous waste contact Michelle Weddle at 317/233-4624.

Guidance Documents:

Guidance documents on hazardous waste are available on the IDEM Office of Land Quality Internet website -- <http://www.IN.gov/idem/olq/publications/guidance.html> -- are listed below (most are pdf files):

- Clarification of "Tank" and "Container" Definitions-Hazardous Waste
- Clarification of "Vault" and "Liner" Definitions-Hazardous Waste
- Classification of Used Antifreeze -Hazardous Waste
- Closed Containers
- Commonly Asked Questions on the Waste Determination (329 IAC 10-7.1) and the Special Waste Management Rule (329 IAC 10-8.1)-Special Waste
- Complying With Indiana's Used Oil Rule-Hazardous Waste
- Container Stacking Policy-Hazardous Waste
- Containment System Guidance for Permitted Container Storage Areas-Hazardous Waste
- Disposal of Small Quantities of Hazardous Waste in Sanitary Landfills
- Guidance to Performance & Presentation of Analytical Chemistry Data
- Hazardous Waste Contingency Plans
- Hazardous Waste Analytical Data Deliverable Requirements
- Hazardous Waste ("RCRA") Closure and Corrective Action
- Hazardous Waste Management Unit Closure Plan Guidance
- Hazardous Waste Personnel Training
- How to Identify Waste & Determine if It's Hazardous Waste

- Management of Contaminated Wipes
- Management of Hazardous Waste Residues Removed from Empty Containers
- No Smoking Signs at Generators
- Other Material Storage in Permitted Hazardous Waste Storage Area
- RCRA Closure and Corrective Action
- Risk Integrated System of Closures (RISC)-- DRAFT
- Rejected Load Manifest Signatures, Rejected Load Manifest Distribution &
- Rejected Mixed Load Procedures
- Satellite Accumulation of Hazardous Waste by Generators
- Staging Policy for Permitted Hazardous Waste Management Facilities
- State of Indiana Hazardous Waste Manifest Guidance Manual
- Subpart BB Air Emission Standards-Hazardous Waste
- Subpart CC Air Emission Standards-Hazardous Waste
- Top Ten Hazardous Waste Violations-Hazardous Waste
- Treatment of Hazardous Waste On-Site by Generators-Hazardous Waste
- Universal Waste Rule Information-Hazardous Waste

Disclaimer

This permit guide is intended to provide background information which should be useful in planning for a particular project that may require an environmental permit. It does not substitute for consultation with the appropriate regulatory agency and/or the appropriate rules or statute.